

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CONSTELLATION NEWENERGY, INC., :
:
Plaintiff, : Civil Action No. 02-CV-2733 (HB)
:
v. :
:
POWERWEB TECHNOLOGIES, INC., :
:
Defendant. :

ORDER

AND NOW, this ____ day of _____, 2004, upon consideration of Plaintiff, Constellation NewEnergy, Inc.'s Motion *in Limine* to Exclude the Expert Testimony of Peter Fox-Penner, it is hereby ORDERED and DECREED that Plaintiff's Motion is GRANTED. Powerweb Technologies, Inc. is precluded from offering expert testimony by Mr. Fox-Penner at trial pursuant to Federal Rules of Evidence 403 and 702.

BY THE COURT:

The Honorable Harvey Bartle, III, J.